

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Timothy L. BLUCHER

Appl. No.: 09/491,639

Filed: January 27, 2000

For: Contour Fit Pan Liner For A Food

Service Pan

Confirmation No.: 8842

Art Unit: 3727

Examiner: Castellano, S.

Atty. Docket: 2102.0010000

Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences – Small Entity

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Mail Stop AF

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated April 14, 2004, in which claims 1-5, 9, 11, 28-35, 38-48, 52-59, and 63 were finally or twice rejected.

The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included on PTO-2038 Credit Card Payment Form. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Evan R. Smith

Attorney for Applicant Registration No. 35,683

Date: __July 8, 2004

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07/12/2004 SSESHE1 00000015 09491639



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*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

July 8, 2004

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Art Unit 3727

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

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Re:

U.S. Utility Patent Application

Application No. 09/491,639; Filed: January 27, 2000 For: Contour Fit Pan Liner For A Food Service Pan

Inventor:

Timothy L. BLUCHER

Our Ref:

2102.0010000

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal Form (PTO/SB/17);
- 2. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences Small Entity;
- 3. Credit Card Payment Form (PTO-2038); and
- 4. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents July 8, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Evan R. Smith

Attorney for Applicant Registration No. 35,683

ERS/sjc 285260_1.DOC

Enclosures

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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
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Otiget the Labermonk Reduction Act of 13	iss, no per	sons are required to	respond to a collection of this	offination unless it displays a valid Olyip Contro	Humber		
FEE TRANSMITTAL for FY 2004 Effective 10/01/2003. Patent fees are subject to annual revision.			Complete if Known				
			Application Number	09/491,639			
			Filing Date	January 27, 2000 Timothy L. BLUCHER			
			First Named Inventor				
			Examiner Name	Castellano, S.			
X Applicant claims small entity status. See 37 CFR 1.27		Art Unit	3727				
TOTAL AMOUNT OF PAYMENT	(\$)	165.00	Attorney Docket No.	2102.0010000			

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)					
Check X Credit card Money X Other* None			3. ADDITIONAL FEES						
*Charge any deficiencies or credit any overpayments in			•	Entity					
Deposit Account: the fees to Deposit Acct. No. 19-0036.		Fee	Fee	Fee	Fee	Fee Description			
Deposit Account	19-0036		Code	(\$)		(\$)	·	Fee Paid	
Number		···	1051	130	2051		Surcharge - late filing fee or oath		
Deposit Account Sterne, Kessler, Goldstein & Fox P.L.L.C.			1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
Name The Director is authorized to: (check all that apply)			1053	130	1053	130	Non-English specification		
Charge fee(s) indicated below Credit any overpayments			1812	2,520	1812	-,	For filing a request for ex parte reexamination		
Charge any additional fee(s) or any underpayment of fee(s)			1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
Charge fee(s) indicated below, except for the filing fee			1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
to the above-identified			1251	110	2251	55	Extension for reply within first month		
	EE CALCULATION		1252	420	2252	210	Extension for reply within second month		
1. BASIC FILING Large Entity Small E			1253	950	2253	475	Extension for reply within third month		
Fee Fee Fee F	ee Fee Description	Fee Paid	1254	1,480	2254	740	Extension for reply within fourth month		
Code (\$) Code	•		1255	2.010	2255	1,005	Extension for reply within fifth month		
	385 Utility filing fee 170 Design filing fee		1401	330	2401	165	Notice of Appeal	\$165.00	
	265 Plant filing fee		1402	330	2402		Filing a brief in support of an appeal		
1004 770 2004	385 Reissue filing fee	-	1403	290	2403	145	Request for oral hearing		
1005 160 2005	80 Provisional filing fee		1451	1,510	1451	1,510	Petition to institute a public use proceeding		
			1452	110	2452	55	Petition to revive - unavoidable		
SUBTOTAL (1) (\$)			1453	1,330	2453	665	Petition to revive - unintentional		
2. EXTRA CLAIN	I FEES FOR UTILITY AN		1501	1,330	2501	665	Utility issue fee (or reissue)		
-	Extra Claims belo		1502	480	2502	240	Design issue fee		
Total Claims Independent	╡- 20 **=	┩╄━━╣	1503	640	2503	320	Plant issue fee		
Claims —	┙-3 **= ┗━━┛ × ┗━━━	_ =	1460	130	1460	130	Petitions to the Commissioner		
Multiple Dependent		┛┖┸	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
Large Entity Sma	Entity Fee Description		1806	180	1806	180	Submission of Information Disclosure Stmt		
	e (\$)		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
	02 9 Claims in excess of 2		1809	770	2809	385	Filing a submission after final rejection		
1201 86 22	•						(37 ČFR 1.129(a))		
1203 290 22 1204 86 22	03 145 Multiple dependent c 04 43 ** Reissue independ		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		
1204 00 22	over original paten		1801	770	2801	385	Request for Continued Examination (RCE)		
1205 18 22	05 9 ** Reissue claims in and over original p		1802	900	1802	900	Request for expedited examination of a design application		
SUBTOTAL (2) (\$)				fee (sp	ecify) _				
**or number previo	*Redu	iced by	Basic	Filing F	ee Paid SUBTOTAL (3)	165.00			
SUBMITTED BY				_			(Complete (if applicable))		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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